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| In re Application of | : | |
| MAROY, Pierre et al | : | DECISION ON |
| Application No.: 09/914,331 | : | |
| PCT No.: PCT/EP00/01246 | : | PAPERS FILED |
| Int. Filing Date: 16 FEBRUARY 2000 | : | |
| Priority Date: 25 FEBRUARY 1999 | : | UNDER 37 CFR 1.42 |
| Attorney's Docket No.: 55.0204PCT/US | : | |
| For: CEMENTING COMPOSITIONS AND | : | |
| APPLICATION OF SUCH COMPOSITIONS | : | |
| TO CEMENTING OIL WELLS OR THE LIKE | : | |

This is a decision on the papers filed 30 November 2001, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 24 August 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided.

On 01 October 2001, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two month from its 01 October 2001 date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application. In addition, a \$130.00 surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date under 37 CFR 1.492(e) is required.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventors be submitted, applicants submitted on 30 November 2001 a declaration signed by three (3) of the four (4) inventors. The declaration was also signed by Khuf SCHULZ as legal representative of Joachim SCHULZ (fourth inventor, now deceased)).

DISCUSSION

The declaration is unacceptable because it does not satisfy 37 CFR §1.497(b)(2). The declaration neither states the citizenship, residence, mailing address of the Khuf Schulz (the legal representatives of the estate of Joachim Schulz) nor of Joachim Schulz (the deceased inventor) as required. 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative."

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Commissioner for Patents, Office of PCT Legal Administration, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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